

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
)
Plaintiff,) No. 2:11-cr-00070-RAJ
)
)
vs.) Seattle, WA
)
ROMAN V. SELEZNEV,)
) Jury Trial - Verdict
Defendant.) August 25, 2016

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE JUDGE RICHARD A. JONES
UNITED STATES DISTRICT COURT

APPEARANCES:

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12 Reported by stenotype, transcribed by computer
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1 THE CLERK: We are here in the matter of the United
2 States vs. Roman Seleznev, Cause Number CR11-70, assigned to
3 this court.

4 THE COURT: It's the Court's understanding that the
5 jury has reached a verdict or verdicts in this matter.

6 With the Court's understanding, the Court will receive the
7 verdicts, unless there's something to raise.

8 Counsel for the government?

9 MR. BARBOSA: Nothing from the government, Your
10 Honor.

11 THE COURT: Counsel for the defense?

12 MR. BROWNE: Nothing, Your Honor.

13 THE COURT: Just to make sure the parties understand
14 the procedure, the Court will take the verdict and then poll
15 the jury to make sure that the determinations are unanimous.

16 So if there's nothing further, let's bring in the jury.

17 (Jury enters the courtroom)

18 THE COURT: Would the foreperson please rise?

19 Mr. Foreperson, without announcing the specifics of the
20 verdict or verdicts, is it true and correct that the jury has
21 reached verdicts in this matter?

22 FOREPERSON: Yes, sir.

23 THE COURT: Please present the verdict form to the
24 in-court deputy, and then be seated.

25 The Court will read the verdicts as follows:

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1 Count 1: As to the offense of wire fraud with respect to
2 MAD Pizza, Madison Park, on or about August 6, 2010, as charged
3 in Count 1, we, the jury, unanimously find the defendant
4 guilty.

5 If you find the defendant guilty of the preceding count,
6 do you find beyond a reasonable doubt that the offense affected
7 a financial institution? The answer is yes.

8 Count 2: As to the offense of wire fraud, with respect to
9 MAD Pizza First Hill, on or about August 7, 2010, as charged in
10 Count 2, we, the jury, unanimously find the defendant guilty.

11 If you find the defendant guilty of the preceding count,
12 do you find beyond a reasonable doubt that the offense affected
13 a financial institution? The answer is yes.

14 Count 3: As to the offense of wire fraud with respect to
15 Casa Mia Italian Pizzeria, on or about August 9, 2010, as
16 charged in Count 3, we, the jury, unanimously find the
17 defendant guilty.

18 If you find the defendant guilty of the preceding count,
19 do you find beyond a reasonable doubt that the offense affected
20 a financial institution? The answer, yes.

21 Count 4: As to the offense of wire fraud, with respect to
22 MAD Pizza South Lake Union, on or about August 28, 2010, as
23 charged in Count 4, we, the jury, unanimously find the
24 defendant guilty.

25 If you find the defendant guilty of the preceding count,

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1 do you find beyond a reasonable doubt that the offense affected
2 a financial institution? The answer is yes.

3 Count 5: As to the offense of wire fraud with respect to
4 Grand Central Baking Company, on or about October 4, 2010, as
5 charged in Count 5, we, the jury, unanimously find the
6 defendant guilty.

7 If you find the defendant guilty of the preceding count,
8 do you find beyond a reasonable doubt that the offense affected
9 a financial institution? And the answer is yes.

10 Count 6: As to the offense of wire fraud with respect to
11 Broadway Grill, on or about October 22, 2010, as charged in
12 Count 6, we, the jury, unanimously find the defendant guilty.

13 If you find the defendant guilty of the preceding count,
14 do you find beyond a reasonable doubt that the offense affected
15 a financial institution? And the answer is yes.

16 Count 7: As to the offense of wire fraud with respect to
17 MAD Pizza Starfire, on or about November 2, 2010, as charged in
18 Count 7, we, the jury, unanimously find the defendant guilty.

19 If you find the defendant guilty of the preceding count,
20 do you find beyond a reasonable doubt that the offense affected
21 a financial institution? The answer is yes.

22 Count 8: As to the offense of wire fraud with respect to
23 MAD Pizza South Lake Union, on or about December 15, 2010, as
24 charged in Count 8, we, the jury, unanimously find the
25 defendant guilty.

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If you find the defendant guilty of the preceding count, do you find beyond a reasonable doubt that the offense affected a financial institution? The answer is yes.

Count 9: As to the offense of wire fraud with respect to Village Pizza, on or about December 23, 2010, as charged in Count 9, we, the jury, unanimously find the defendant guilty.

If you find the defendant guilty of the preceding count, do you find beyond a reasonable doubt that the offense affected a financial institution? The answer is yes.

Count 10: As to the offense of wire fraud with respect to MAD Pizza Starfire, on or about January 10, 2011, as charged in Count 10, we, the jury, unanimously find the defendant guilty.

If you find the defendant guilty of the preceding count, do you find beyond a reasonable doubt that the offense affected a financial institution? The answer is yes.

Count 11: As to the offense of wire fraud with respect to Red Pepper Pizzeria, on or about October 26, 2013, as charged in Count 11, we, the jury, unanimously find the defendant not guilty.

Count 12: As to the offense of intentional damage to a computer with respect to MAD Pizza Madison Park, on or about August 6, 2010, as charged in Count 12, we, the jury, unanimously find the defendant guilty.

If you find the defendant guilty of the preceding count, do you find beyond a reasonable doubt that the offense caused

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1 loss to one or more persons during a one-year period totaling
2 at least \$5,000 in value? Answer is yes.

3 Count 13: As to the offense of intentional damage to a
4 computer with respect to MAD Pizza First Hill, on or about
5 August 7, 2010, as charged in Count 13, we, the jury,
6 unanimously find the defendant guilty.

7 If you find the defendant guilty of the preceding count,
8 do you find beyond a reasonable doubt that this offense caused
9 loss to one or more persons during a one-year period totaling
10 at least \$5,000 in value? The answer is yes.

11 Count 14: As to the offense of intentional damage to a
12 computer with respect to Casa Mia Italian Restaurant, on or
13 about August 9, 2010, as charged in Count 14, we, the jury,
14 unanimously find the defendant guilty.

15 If you find the defendant guilty of the preceding count,
16 do you find beyond a reasonable doubt that this offense caused
17 loss to one or more persons during a one-year period totaling
18 at least \$5,000 in value? And the answer is yes.

19 Count 15: As to the offense of intentional damage to a
20 computer with respect to MAD Pizza South Lake Union, on or
21 about August 28, 2010, as charged in Count 15, we, the jury,
22 unanimously find the defendant guilty.

23 If you find the defendant guilty of the preceding count,
24 do you find beyond a reasonable doubt that this offense caused
25 loss to one or more persons during a one-year period totaling

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1 at least \$5,000 in value? The answer is yes.

2 As to the offense of intentional damage to a computer with
3 respect to Village Pizza, on or about September 13, 2010, as
4 charged in Count 16, we, the jury, unanimously find the
5 defendant guilty.

6 If you find the defendant guilty of the preceding count,
7 do you find beyond a reasonable doubt that this offense caused
8 loss to one or more persons during a one-year period totaling
9 at least \$5,000 in value? The answer is yes.

10 Count 17: As to the offense of intentional damage to a
11 computer with respect to Grand Central Baking Company, on or
12 about October 4, 2010, as charged in Count 17, we, the jury,
13 unanimously find the defendant guilty.

14 If you find the defendant guilty of the preceding count,
15 do you find beyond a reasonable doubt that this offense caused
16 loss to one or more persons during a one-year period totaling
17 at least \$5,000 in value? The answer is yes.

18 Count 18: As to the offense of intentional damage to a
19 computer with respect to Broadway Grill, on or about
20 October 22, 2010, as charged in Count 18, we, the jury,
21 unanimously find the defendant guilty.

22 If you find the defendant guilty of the preceding count,
23 do you find beyond a reasonable doubt that this offense caused
24 loss to one or more persons during a one-year period totaling
25 at least \$5,000 in value? The answer is yes.

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1 Count 19: As to the offense of intentional damage to a
2 computer with respect to MAD Pizza Starfire, on or about
3 November 2, 2010, as charged in Count 19, we, the jury,
4 unanimously find the defendant guilty.

5 If you find the defendant guilty of the preceding count,
6 do you find beyond a reasonable doubt that this offense caused
7 loss to one or more persons during a one-year period totaling
8 at least \$5,000 in value? And the answer is yes.

9 Count 20: As to the offense of intentional damage to a
10 computer with respect to Red Pepper Pizzeria, on or about
11 October 26, 2013, as charged in Count 20, we, the jury,
12 unanimously find the defendant not guilty.

13 Count 21: As to the offense of obtaining information from
14 a computer without authorization with respect to MAD Pizza
15 Madison Park, between about August 6, 2010, and about
16 February 15, 2011, as charged in Count 21, we, the jury,
17 unanimously find the defendant guilty.

18 If you find the defendant guilty of the preceding count,
19 do you find beyond a reasonable doubt that the offense was
20 committed for the purpose of commercial advantage or private
21 gain -- private financial gain, or was committed in furtherance
22 of wire fraud or access device fraud? The answer is yes.

23 Count 22: As to the offense of obtaining information from
24 a computer without authorization with respect to MAD Pizza
25 First Hill, between about August 7, 2010, and about

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1 February 15, 2011, as charged in Count 22, we, the jury,
2 unanimously find the defendant guilty.

3 If you find the defendant guilty of the preceding count,
4 do you find beyond a reasonable doubt that the offense was
5 committed for the purpose of commercial advantage or private
6 financial gain, or was committed in furtherance of wire fraud
7 or access device fraud? And the answer is yes.

8 Count 23: As to the offense of obtaining information from
9 a computer without authorization with respect to Casa Mia
10 Italian Pizzeria, between about August 9, 2010, and about
11 February 23, 2011, as charged in Count 23, we, the jury,
12 unanimously find the defendant guilty.

13 If you find the defendant guilty of the preceding count,
14 do you find beyond a reasonable doubt that the offense was
15 committed for the purpose of commercial advantage or private
16 financial gain, or was committed in furtherance of wire fraud
17 or access device fraud? And the answer is yes.

18 Count 24: As to the offense of obtaining information from
19 a computer without authorization with respect to MAD Pizza
20 South Lake Union, between about August 28, 2010, and about
21 February 1, 2011, as charged in Count 24, we, the jury,
22 unanimously find the defendant guilty.

23 If you find the defendant guilty of the preceding count,
24 do you find beyond a reasonable doubt that the offense was
25 committed for the purpose of commercial advantage or private

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1 financial gain, or was committed in furtherance of wire fraud
2 or access device fraud? The answer is yes.

3 Count 25: As to the offense of obtaining information from
4 a computer without authorization with respect to Village Pizza,
5 between September 13, 2010, and about March 26, 2011, as
6 charged in Count 25, we, the jury, unanimously find the
7 defendant guilty.

8 If you find the defendant guilty of the preceding count,
9 do you find beyond a reasonable doubt that the offense was
10 committed for the purpose of commercial advantage or private
11 financial gain, or was committed in furtherance of wire fraud
12 or access device fraud? And the answer is yes.

13 Count 26: As to the offense of obtaining information from
14 a computer without authorization with respect to Grand Central
15 Baking Company, between about August 4, 2010, and about
16 December 1, 2010, as charged in Count 26, we, the jury,
17 unanimously find the defendant guilty.

18 If you find the defendant guilty of the preceding count,
19 do you find beyond a reasonable doubt that the offense was
20 committed for the purpose of commercial advantage or private
21 financial gain, or was committed in furtherance of wire fraud
22 or access device fraud? The answer is yes.

23 Count 27: As to the offense of obtaining information from
24 a computer without authorization with respect to Broadway
25 Grill, between about October 22, 2010, and about October 27,

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1 2010, as charged in Count 27, we, the jury, unanimously find
2 the defendant guilty.

3 If you find the defendant guilty of the preceding count,
4 do you find beyond a reasonable doubt that the offense was
5 committed for the purpose of commercial advantage or private
6 financial gain, or was committed in furtherance of wire fraud
7 or access device fraud? And the answer is yes.

8 Count 28: As to the offense of obtaining information from
9 a computer without authorization with respect to MAD Pizza
10 Starfire, between November 2, 2010, and about February 1, 2011,
11 as charged in Count 28, we, the jury, unanimously find the
12 defendant guilty.

13 If you find the defendant guilty of the preceding count,
14 do you find beyond a reasonable doubt that the offense was
15 committed for the purpose of commercial advantage or private
16 financial gain, or was committed in furtherance of wire fraud
17 or access device fraud? And the answer is yes.

18 As to the offense of obtaining information from a computer
19 without authorization with respect to Red Pepper Pizzeria,
20 between about October 26, 2013, and about May 1, 2014, as
21 charged in Count 29, we, the jury, unanimously find the
22 defendant guilty.

23 If you find the defendant guilty of the preceding count,
24 do you find beyond a reasonable doubt that the offense was
25 committed for the purpose of commercial advantage or private

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1 financial gain, or was committed in furtherance of wire fraud
2 or access device fraud? The answer is yes.

3 Count 30: As to the offense of unlawful possession of
4 access devices with respect to MAD Pizza Madison Park, on or
5 about August 6, 2010, as charged in Count 30, we, the jury,
6 unanimously find the defendant guilty.

7 Count 31: As to the offense of unlawful possession of
8 access devices with respect to MAD Pizza First Hill, on or
9 about August 7, 2010, as charged in Count 31, we, the jury,
10 unanimously find the defendant guilty.

11 Count 32: As to the offense of unlawful possession of
12 access devices with respect to Casa Mia Italian Pizzeria, on or
13 about August 9, 2010, as charged in Count 32, we, the jury,
14 unanimously find the defendant guilty.

15 Count 33: As to the offense of unlawful possession of
16 access devices with respect to MAD Pizza South Lake Union, on
17 or about August 28, 2010, as charged in Count 33, we, the jury,
18 unanimously find the defendant guilty.

19 Count 34: As to the offense of unlawful possession of
20 access devices with respect to Village Pizza, on or about
21 September 13, 2010, as charged in Count 34, we, the jury,
22 unanimously find the defendant guilty.

23 Count 35: As to the offense of unlawful possession of
24 access devices with respect to Grand Central Baking Company, on
25 or about October 4, 2010, as charged in Count 35, we, the jury,

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1 unanimously find the defendant guilty.

2 Count 36: As to the offense of unlawful possession of
3 access devices with respect to Broadway Grill, on or about
4 October 22, 2010, as charged in Count 36, we, the jury,
5 unanimously find the defendant guilty.

6 Count 37: As to the offense of unlawful possession of
7 access devices with respect to MAD Pizza Starfire, on or about
8 November 2, 2010, as charged in Count 37, we, the jury,
9 unanimously find the defendant guilty.

10 As to the offense of unlawful possession of access devices
11 with respect to Red Pepper Pizzeria, on or about October 26,
12 2013, as charged in Count 38, we, the jury, unanimously find
13 the defendant guilty.

14 Count 39: As to the offense of aggravated identity theft
15 with respect to the credit card number of the person identified
16 as "DK," on or about October 22, 2010, as charged in Count 39,
17 we, the jury, unanimously find the defendant guilty.

18 Count 40: As to the offense of aggravated identity theft
19 with respect to the credit card number of the person identified
20 as "RG," on or about April 9, 2014, as charged in Count 40, we,
21 the jury, unanimously find the defendant guilty.

22 Signed by the presiding juror, today's date, August 25,
23 2016.

24 Members of the jury, at this point in time, the Court will
25 proceed in what's called "polling the jury." We poll the jury

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1 to ensure that the jury determinations are of a unanimous
2 nature. So the questions I will be posing to you, as the
3 in-court deputy calls your name, are the following questions:
4 Are these your individual verdicts, and are these the verdicts
5 of the jury?

6 Please poll the jury.

7 THE CLERK: Juror Number 1, are these your individual
8 verdicts?

9 JUROR: Yes.

10 THE CLERK: Are they the verdicts of the jury?

11 JUROR: Yes.

12 THE CLERK: Juror Number 2, are these your individual
13 verdicts?

14 JUROR: Yes.

15 THE CLERK: Are they the verdicts of the jury?

16 JUROR: Yes.

17 THE CLERK: Juror Number 3, are these your individual
18 verdicts?

19 JUROR: Yes.

20 THE CLERK: Are they the verdicts of the jury?

21 JUROR: Yes.

22 THE CLERK: Juror Number 4, are these your individual
23 verdicts?

24 JUROR: Yes.

25 THE CLERK: Are they the verdicts of the jury?

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1 JUROR: Yes.

2 THE CLERK: Juror Number 5, are these your individual
3 verdicts?

4 JUROR: Yes.

5 THE CLERK: Are they the verdicts of the jury?

6 JUROR: Yes.

7 THE CLERK: Juror Number 7, are these your individual
8 verdicts?

9 JUROR: Yes.

10 THE CLERK: Are they the verdicts of the jury?

11 JUROR: Yes.

12 THE CLERK: Juror Number 9, are these your individual
13 verdicts?

14 JUROR: Yes.

15 THE CLERK: Are they the verdicts of the jury?

16 JUROR: Yes.

17 THE CLERK: Juror Number 10, are these your
18 individual verdicts?

19 JUROR: Yes.

20 THE CLERK: Are they the verdicts of the jury?

21 JUROR: Yes.

22 THE CLERK: Juror Number 11, are these your
23 individual verdicts?

24 JUROR: Yes.

25 THE CLERK: Are they the verdicts of the jury?

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1 JUROR: Yes.

2 THE CLERK: Juror Number 12, are these your
3 individual verdicts?

4 JUROR: Yes.

5 THE CLERK: Are they the verdicts of the jury?

6 JUROR: Yes.

7 THE CLERK: Juror Number 13, are these your
8 individual verdicts?

9 JUROR: Yes.

10 THE CLERK: Are they the verdicts of the jury?

11 JUROR: Yes.

12 THE CLERK: And Juror Number 14, are these your
13 individual verdicts?

14 JUROR: Yes.

15 THE CLERK: Are they the verdicts of the jury?

16 JUROR: Yes.

17 THE COURT: Ladies and gentlemen of the jury, the
18 verdicts will be received and filed.

19 Now, what I'd like to do is discharge you, but before I do
20 that, I'd like to share a few words with you.

21 First of all, the Court will receive the verdicts that you
22 returned. All of you collectively came to one determination,
23 and that was guilty or not guilty, as indicated in the verdict
24 form.

25 Now, I ask that you leave your determinations here at the

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1 courthouse, and not try and second-guess decisions. Sometimes,
2 when cases are over, I've had jurors call back, or write, and
3 say that they had concerns about, "Did I come to the right
4 conclusions? Were these the right decisions?" You made the
5 determinations with 12 of you back in that jury room. The fact
6 that 12 of you came to the same conclusions means this is a
7 unanimous verdict, and you should live by it, and accept that
8 was the proper verdict, because all 12 of you came to that
9 conclusion. So there's no reason for you to second-guess your
10 decision. No one can second-guess you. No one can challenge
11 your determinations. You'll not be confronted by counsel, or
12 asked questions by counsel or anybody else.

13 You're free, however, to control who you talk to. If
14 anyone approaches you, or asks you questions, you don't have to
15 answer any questions. You're not prohibited from answering
16 questions, but that's completely your call. The restriction on
17 not talking about the case is lifted. You can go and you can
18 share your thoughts about the case and anything about this case
19 with anyone that you believe is appropriate. It's completely
20 now within your discretion who you wish to talk to.

21 We do deeply appreciate the fact that you spent the amount
22 of time that you spent the last couple weeks, and the attention
23 to detail that you provided. It's a huge request that we place
24 upon the citizenry of our community to come to court, to take
25 time out of their busy lives and schedules, to sit and listen

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1 to facts and evidence, and go back to the jury room to make
2 tough decisions. I think that you all understand now that,
3 despite what you may read about, or hear about, in magazines,
4 movies, or TV, it's not an easy task to go back in the jury
5 room, and have to listen to evidence, and go back, share your
6 thoughts, your opinions, and your beliefs about what's correct,
7 what's not correct, what was proved, and what was not proved.
8 But you satisfied your obligation to this court. I'd like to
9 thank you on behalf of the government, on behalf of the
10 defense, and the defendant, as well.

11 I promised you, at the beginning of this trial, that I
12 would come back to the jury room and answer any questions that
13 you may have. And I will certainly fulfill that commitment to
14 you, and I'll be coming back in just a few minutes. But you
15 don't have to stay back there. If you want to go back, get
16 your hat and coat, and leave the courtroom, that's completely
17 your call. But as I promised, I'll come back and answer any
18 questions that you have.

19 So again, thank you on behalf of the United States
20 District Court. You satisfied your obligation to this court,
21 and you've done it well, with the service that you've rendered.

22 Please rise.

23 (Jury exits the courtroom)

24 THE COURT: Do we have a sentencing date?

25 THE CLERK: December 2, 2016, 10:00 a.m.

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1 MR. BROWNE: I'm sorry?

2 THE CLERK: December 2, 2016.

3 MR. BROWNE: December 7th?

4 THE COURT: Second.

5 Any reason why the government would not be present on
6 December 2, 2016, as indicated?

7 MR. BARBOSA: No, Your Honor.

8 THE COURT: Counsel for the defense?

9 MR. BROWNE: No, Your Honor.

10 And what time would that be?

11 THE CLERK: 10:00 a.m.

12 THE COURT: That will be the date and time for
13 sentencing.

14 Mr. Seleznev, between today's date and December 2, you'll
15 be contacted by a probation officer. That probation officer
16 will be in the process of preparing a presentence report. You
17 can confer with your lawyer to discuss what level of
18 participation that you wish to provide as it relates to the
19 presentence report. That's completely up to you and your
20 lawyer.

21 What I will tell you is that it's a valuable tool that's
22 provided to this Court from probation, because it gives a
23 detailed statement of your history, your background, your life,
24 your personal circumstances, your life experiences, your
25 background, your family relationships, and about the events

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1 involved in these charges, as well. So it's a helpful tool and
2 document for this Court that I will certainly consider.

3 Also at sentencing, the government will prepare and file a
4 presentence report with their recommendations of what they
5 think the proper sentence should be. Mr. Browne and
6 Ms. Scanlan will also have the opportunity to do the same. If
7 you'd like to provide a letter to the Court, you'll certainly
8 be able to do that. You'll also be able to provide letters in
9 support of you from other family members or friends that know
10 you, as well. You're not required to do any of those things,
11 but those are options that are available to you.

12 And lastly, you'll have an opportunity at sentencing to
13 speak in your own behalf, if you wish to speak. You're not
14 required to speak at sentencing. You're not required to say
15 anything. But again, that's up to you and your lawyers, what
16 you wish to say.

17 But, nonetheless, we will expect you to be here, and the
18 lawyers to be here, on December 2, 2016, as that will be your
19 sentencing date.

20 Counsel for the government, anything to take up?

21 MR. BARBOSA: No, Your Honor. Thank you.

22 THE COURT: Counsel for the defendant, anything to
23 take up?

24 MR. BROWNE: No, Your Honor.

25 THE COURT: We'll be in recess.

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1 (Adjourned)

2 (End of requested transcript)

3 * * *

4 I certify that the foregoing is a correct transcript from
5 the record of proceedings in the above matter.

6 Date: 8/25/16

7 /s/ Andrea Ramirez

8 _____
9 Signature of Court Reporter

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